

Jason B. Lattimore
LATHAM & WATKINS LLP
One Newark Center, 16th Floor
Newark, New Jersey 07101
(973) 639-1234

James E. Brandt (*pro hac vice*)
Jeff G. Hammel (*pro hac vice*)
LATHAM & WATKINS LLP
885 Third Avenue
New York, New York 10022
(212) 906-1200

Attorneys for Defendants
The Yucaipa Companies LLC and
Ronald Burkle

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICKY DUDLEY, Individually and On
Behalf of All Others Similarly Situated

Plaintiff,

v.

CHRISTIAN W.E. HAUB, ERIC CLAUS,
BRENDA M. GALGANO, RONALD
MARSHALL, SAMUEL MARTIN, THE
YUCAIPA COMPANIES LLC, RONALD
BURKLE and FREDERIC BRACE

Defendants.

Civil Action No.: 2:11-CV-05196 (WJM) (MF)

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS**

THIS MATTER having come before the Court upon the application of Defendants The Yucaipa Companies LLC and Ronald Burkle, by and through their counsel, Latham & Watkins LLP, for an Order dismissing the Amended Complaint filed by Plaintiff Ricky Dudley for failure to state a claim upon which relief can be granted pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15

U.S.C. § 78u-4 *et seq.*; the Court having reviewed all the papers submitted in support of and in opposition to the motion; the Court having conducted oral argument on the motion; and good cause having been shown,

IT IS on this _____ day of _____, 2012,

ORDERED that Defendants The Yucaipa Companies LLC's and Ronald Burkle's Motion to Dismiss the Amended Complaint be and it hereby is GRANTED; and it is further

ORDERED that the Complaint filed by Plaintiff Ricky Dudley be and it hereby is DISMISSED WITH PREJUDICE as to Defendants The Yucaipa Companies LLC and Ronald Burkle.

HON. WILLIAM J. MARTINI, U.S.D.J.